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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,311	10/06/2000	Larry R. Czerwonka	S431-J	2715

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Bruce A. Jagger
P. O. BOX 29000
Glendale, CA 91209-9000

EXAMINER

AVELLINO, JOSEPH E

ART UNIT PAPER NUMBER

2143

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/684,311	Applicant(s) CZERWONKA, LARRY R.	
	Examiner Joseph E. Avellino	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 17 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 4-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-9 are pending in this examination with claims 1, 4, 5, and 7 independent. The Office acknowledges the election dated December 24, 2004 electing with traverse Group I, consisting of claims 1-3, and 7. Claims 4-6 have been withdrawn from consideration as being directed towards a nonelected invention.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, and 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Capek (USPN 6,112,192).

3. Referring to claim 1, Capek discloses a decentralized web site content control system wherein said web site includes a plurality of web pages and is operated by a web site operator (ISP 14) comprising:

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allowing said web site operator to divide said web site into at least two discrete areas (the original HTML file 70 and the room for advertisement, shown by the HTML code 53, 55) (Figures 1-3 and pertinent portions of the disclosure);

allowing said web site operator to assign control over the content of a first of said discrete areas to a first content authority (an advertisement image is inserted into the discrete area which is controlled by the advertisement's home server, Figure 5 discloses a record for an advertisement which shows that the Image URL to be inserted is www.pucci.com/group-a.gif, which is downloaded directly from the pucci.com server, not through the original HTML file server, and since the original HTML file server has no control as to what is inserted into this discrete advertisement area, it is understood that the advertisers have complete and independent control over that discrete area) (Figures 3-5; col. 4, line 40 to col. 5, line 5; col. 5, line 66 to col. 6, line 18); and

allowing said web site operator to assign control over the content of a second of said discrete areas to a second content authority (the rest of the HTML document is under control of the original HTML file server and in no way does the advertiser's server have any control over the content displayed in that discrete section), said first and second content authorities being capable of exercising said control in their respective discrete areas independently of one another and said web site operator (Figures 1-5; col. 4, line 40 to col. 5, line 5; col. 5, line 66 to col. 6, line 18);

allowing said first and second content authorities to control the content of their respective discrete areas (i.e. inserting of advertisements periodically, whereas the

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HTML page content is controlled by the web page creator) while said discrete areas remain on said website (col. 5, lines 47-56); and

allowing all visitors to said web site to view the same content in at least one of said discrete areas until such content is changed by the content authority that controls said at least one discrete area (the web page does not change until the web page designer changes the content) (col. 2, lines 24-31; Figure 2 "This text which will be displayed").

4. Referring to claim 2, Capek discloses said dividing creates said two discrete areas on the same web page (the advertisement image is shown inline on the HTML page (Figure 3).

5. Claims 7-9 is rejected for similar reasons as stated above. Furthermore, Capek discloses collecting said information from at least two of said regions, and analyzing said information (an inherent feature of any browser is to download all the data from the various servers comprising the web page to be displayed and analyzing the data in order to determine how to correctly display the data such that it is in conformance with various styles either set by the servers or the user).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe (USPN 6,397,246) in view of Capek. Exemplary claim 1.

7. Wolfe discloses a decentralized web site content control system (Figure 1) wherein said web site includes a plurality of web pages and is operated by a web site operator (i.e. servers 4a-4c) comprising:

allowing said web site operator to assign control over a content of a first of discrete areas (i.e. information advertisement, or adfile) (col. 7, line 66 to col. 8, line 17);

allowing said web site operator to assign control over the content of a second of discrete areas (i.e. web page at requested URL) to a second content authority (i.e. web master of the URL) said first and second content authorities being capable of exercising control in their respective discrete areas independently of one another (col. 7, line 66 to col. 8, line 22); and

allowing all visitors to said web site to view the same content in at least one of the discrete areas until such content is changed by the content authority that controls at least one discrete area (i.e. view the requested URL until the web master changes the content in the page) (col. 7, line 66 to col. 8, line 22).

Wolfe does not specifically disclose allowing the web site operator to divide the web site into at least two discrete areas, each of said areas being adapted to having the

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content therein controlled independently of the other discrete area, and allowing said first and second content authorities to control the content of their respective discrete areas while said discrete areas remain on said website. In analogous art, Capek discloses another decentralized web site content control system which allows the web site operator to divide the web site into at least two discrete areas, each of said areas being adapted to having the content therein controlled independently of the other discrete area (Figures 1-3, 73, 75, to 73' and 75'), and allowing said first and second content authorities to control the content of their respective discrete areas (i.e. inserting of advertisements periodically, whereas the HTML page content is controlled by the web page creator) while said discrete areas remain on said website (col. 5, lines 47-56). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Capek with Wolfe since Wolfe discloses that the advertisement may be chosen based with a number of request attributes associated with the requesting client (col. 9, lines 45-52). This would lead one of ordinary skill in the art to Capek which uses various demographical statistics to match a client with a particular advertisement, including web use history, interest target, geographic placement, etc (Figure 5).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Capek.

8. Capek discloses the invention substantively as described in claim 1. Capek does not specifically state that each of the content authorities is provided a unique identifier,

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each of said unique identifiers being associated exclusively with one of said discrete areas, and allowing said first and second content authorities to exercise control through the use of unique identifiers from locations remote from said web site and one another. It is well known in the art that FTP sites allow the use of modifying web pages remotely, in which the user is required to produce credentials (such as a user ID or password) to gain access to the site. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include UserID/Password combinations to the system of Capek to allow a basic form of security, allowing only the allowed and required users access to the respective pages.

Response to Amendment

9. Applicant's arguments filed August 17, 2004 have been fully considered but they are not persuasive.

10. In the remarks, Applicant argues, in substance, that (1) the web site operator is different than the Internet access provider in Capek.

11. As to point (1), the term "web site operator" can be broadly construed as any entity which maintains or provides a web site to a client. Since the ISP of Capek is modifying the web page and then transmitting the page to the client (e.g. abstract). One of ordinary skill in the art would consider the ISP of Capek equivalent to a web site operator. Furthermore it is noted that the features upon which applicant relies (i.e., an

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Internet Service provider) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

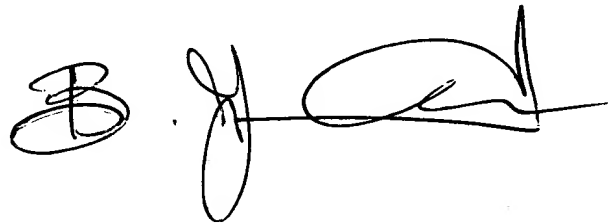
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEA

November 3, 2004

A handwritten signature in black ink, consisting of a stylized 'B' followed by a series of loops and a long horizontal stroke.

**BUNJOD JAROENCHONWANIT
PRIMARY EXAMINER**